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STATE OF ALABAMA

88-00225

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Honorable Charles I. Grover
Mayor
City of Trussville
131 Main Street
P. O. Box 159
Trussville, AL 35173

Municipalities - Fire
Departments - Fire Fighters -
Fire Protection - Funds

While the city may, under Code of Alabama 1975, § 9-3-18, donate funds to the Trussville Volunteer Fire Department, the city should, with some caution, contract with the volunteer fire department.

Dear Mayor Grover:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

May the City of Trussville, Alabama, a municipal corporation, validly and lawfully appropriate or apply municipal funds to defray costs and expenses associated with educational and training aspects of an annual meeting of fire fighters to be held in the City, and hosted by the City's volunteer fire department, where said meeting will provide the City's fire fighting personnel with enhanced opportunities to participate in educational activities?

FACTS AND ANALYSIS

Code of Alabama 1975, § 9-3-18, provides that any municipality may donate money to any organized volunteer fire department. This section specifically states as follows:

"(a) It is the intent of the legislature that this section provides assistance to organized volunteer fire departments and organized search squads. The legislature deems these organizations public in nature, as they protect the health, safety and welfare of the public.

"(b) The state, any county, any municipality, any fire, water, sewer, garbage or school district, or any other public governmental entity or political subdivision is hereby authorized to donate money, property, equipment or other thing of value to any organized voluntary fire department or organized voluntary rescue squad. If disposed of it will return to the agency where it was obtained."

In an opinion to Honorable G. William Noble, Mayor, City of Gardendale, under date of March 3, 1982, this office held that it was permissible for a municipality to pay membership dues to the Alabama State Firemen's Association for the members of that municipality's volunteer fire department. We also stated in that opinion that the "educational and informational benefits of a professional fireman's association would legitimately contribute to the quality of fire protection in any community." Similarly, the hosting of an annual meeting of fire fighter's in Trussville will provide educational opportunities that will enhance the quality of fire protection provided by the Trussville Volunteer Fire Department.

We note that in previous opinions this office has recognized a potential question of the constitutionality of § 9-3-18 in light of Constitution of Alabama 1901, Section 94, and has therefore recommended that a municipality, with some caution, contract with a volunteer fire department to provide services to its citizens in exchange for the funds appropriated. See opinion to Honorable Jack A. Higgins, Mayor, Town of Mulga, under date of October 27, 1981; and opinion to Honorable Frank P. White, Representative, District 91, under date of May 15, 1984.

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CONCLUSION

It is the opinion of this office that the City of Trussville, under Code of Alabama 1975, § 9-3-18, may donate funds to be used to defray expenses associated with hosting an annual meeting of fire fighters to the Trussville Volunteer Fire Department. Furthermore, the City of Trussville should, with some caution, contract with the volunteer fire department to provide services to its citizens in exchange for the funds appropriated to the volunteer fire department.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:

Brenda Flowers

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